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Summary of Stakeholders' submissions on Canada*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 44 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The Canadian Human Rights Commission noted that the same recommendations were made repeatedly to Canada and that in many areas, little progress had been made in resolving longstanding issues.[2]

3. The situation of Indigenous peoples was one of the most pressing human rights issues facing Canada. Across the country, many First Nations and Indigenous communities continued to live without equitable access to quality health, education and other social services, and without access to safe drinking water and suitable sanitation, food security, and adequate housing. Indigenous women experienced systemic discrimination and bore a disproportionate burden of violence, and were murdered or went missing at a disproportionately high rate. The legacy of the residential school system loomed large over many aspects of Indigenous lives.[3]

4. A disproportionate number of persons with disabilities lived in poverty, subject to negative stereotyping, adverse living conditions, and discrimination. Persons with disabilities often did not have the same opportunities as others and accessibility remained a pre-eminent concern.[4]

* The present document was not edited before being sent to United Nations translation services.

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5. Racialized individuals and groups experienced a number of barriers to equality, including socio-economic disadvantage and systemic discrimination. African Canadians experienced disproportionately high levels of unemployment and poverty, as well as disparities in accessing education, health and housing.[5]

6. Vulnerable populations with diverse sexual orientations, or gender identities or expressions experienced discrimination in many facets of life. Specifically, trans, two-spirit and gender non-binary individuals faced disadvantage in employment, in the provision of housing and medical care, and when seeking and using identity documents.[6]

7. Across Canada, concerns continued to be raised about racial profiling by police, security agencies, and other authority figures. The prevalence of mental health issues amongst the federally-incarcerated population was of significant concern. Every year, thousands of migrants not serving a criminal sentence were detained and a significant number were held in institutions intended for criminal populations.[7]

8. The Commission indicated that the current system for implementation of Canada's international human rights obligations was inadequate and ineffective. Canada should: in developing policy agendas, conducting budgetary analysis and enacting and reviewing legislation, commit to conducting a human rights analysis so as to identify opportunities to explicitly incorporate its international human rights obligations into legislation; raise awareness and develop capacity-building programs for policy-makers, the judiciary, administrative decision-makers and others about international human rights standards and their applicability as a source of law; implement a mandatory disaggregated data collection policy; review and reform current accountability structures in relation to the implementation of its international human rights obligations.[8]

III. Information provided by other stakeholders

A. Scope of international obligations[9] and cooperation with international human rights mechanisms and bodies[10]

9. Canada was invited to become a party to ICRMW;[11] ILO Convention 169;[12] ILO Convention 189;[13] the 1954 Convention relating to the Status of Stateless Persons;[14] OP-CAT;[15] OP-ICESCR;[16] OP-CRPD;[17] OP-CRC-IC;[18] and the American Convention on Human Rights.[19]

10. JS1 indicated that Canada had announced that it would ratify OP-CAT by the end of 2017.[20]

11. The United Church of Canada recommended encouraging Canada to adopt the recommendations of the report of the Working Group on People of African Descent.[21]

B. National human rights framework[22]

12. JS16 recommended that Canada consider adopting a social charter for the protection and implementation of economic social and cultural rights.[23] WLP called upon Canada to take steps to ensure the justiciability of economic, social, and cultural rights protected in the ICESCR.[24]

13. CAD-ASC and JS18 recommended that Canada designate the Canadian Human Rights Commission as the independent mechanism to monitor the implementation of CRPD as required by its article 33.2.[25]

14. Regarding the implementation of previous UPR recommendations, JS13 noted progress with Canada's decision to fully support the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2016.[26] Egale noted that the Government had announced its intention to implement UNDRIP by harmonizing Canadian laws with the declaration.[27] CHAIR recommended that the Government work in partnership with First

Nations, Indigenous women's groups and other organizations to develop legislation, policy and funding support mechanisms to implement UNDRIP.[28]

15. AI highlighted the Canadian system's inadequacy in ensuring implementation of international human rights obligations [29] and recommended adopting an International Human Rights Implementation Act, in concert with provincial and territorial governments.[30]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[31]

16. ACLC indicated that despite a consensus about the importance of collecting race-based data, the federal government had yet to commit to developing a federal disaggregated data collection program.[32] JS15 recommended collecting and tracking disaggregated data with respect to ethno-racial and faith background by the Federal, Provincial, Territorial and Municipal governments.[33]

17. Egale noted that disaggregated data collection was paramount to help ensure informed decisions and policies that further advanced Lesbian, Gay, Bisexual, Trans, Queer, Intersex, and Two Spirit (LGBTQI2S) human rights.[34]

18. The United Church of Canada recommended that federal, provincial, and municipal levels of government make anti-racism a priority by ensuring appropriate financial, human and educational resources for such work across government programs.[35]

19. WLP was seriously concerned by the police practice of "street checks", referred to also as "carding", noting that in major urban areas, police forces randomly stopped individuals - predominantly black males and youths, Indigenous people, and other persons of colour.[36]

20. ACLC stated that hate crimes were not a separate ground of criminal activity in the Criminal Code, and that racial motivation remained as only an aggravating factor in sentencing.[37] JS15 indicated that in 2013, s.13 of the *Canadian Human Rights Act*, which had made communication of hateful messages legal grounds for complaint, had been repealed.[38]

21. JS11 noted reports of increased anti-Semitic and anti-Muslim incidents across Canada, and that over one-third of hate crimes in 2015 were motivated by religious hatred.[39] ACLC stated that since 2010, Black populations had been the most targeted among incidents of hate crime.[40]

22. JS16 indicated that all governments in Canada should encourage the courts to recognize poverty as a prohibited ground of discrimination.[41]

Development, the environment, and business and human rights[42]

23. AHRC noted reports that a high percentage of Canadians were exposed to harmful levels of air pollution.[43]

24. JS2 stated that the quality of Canadian waters was deteriorating because, among others, several legislative changes had weakened federal protection of stretches of water in the country. [44] JS2 recommended that Canada re-establish national environmental mechanisms of protection and regulation.[45]

25. AI indicated that Canadian extractive companies operated globally and were sometimes implicated in human rights abuses linked to their activities.[46] JS17 stated that there were numerous allegations of negative impacts of the extractive industry, including severe environmental harm, violent displacement of people, violence committed by mine security personnel, injury and deaths of community members and labour abuses.[47] It noted

that currently Canada's response to the challenges posed by the presence of its extractive industry abroad relied essentially on the voluntary participation of corporations.[48] People alleging human rights violations committed by, or with the complicity of, corporations acting outside of Canada had difficulties accessing justice.[49]

26. JS13 observed that some victims had turned to the Canadian courts. Though in recent years the courts had agreed to examine some such cases, the vast majority of the victims still faced significant barriers to access the Canadian justice system.[50]

27. Concerning an accepted recommendation,[51] JS13 indicated that, Canada had updated its Corporate Social Responsibility Strategy (CSR Strategy).[52] JS13 indicated, however that the policy did not establish a process or criteria to determine which authority could assess that a company had not respected human rights standards.[53] CTC observed that the Government had not taken adequate steps to ensure that provincial governments were aware of, or that they complied with the strategy.[54]

28. JS17 noted that the main mechanism related to the CSR strategy was the Office of the Extractive Sector Corporate Social Responsibility Counsellor, which was not independent and lacked significant powers.[55]

29. JS13 recommended that Canada: strengthen legislation governing the conduct of corporations under its jurisdiction in relation to their activities abroad;[56] and adopt, in consultation with civil society, a national action plan to comprehensively implement the UN Guiding Principles on business and human rights.[57]

Human rights and counter-terrorism[58]

30. JS15 indicated that Anti-terrorism legislation passed in 2015 augmented the powers of security agencies and police;[59] expanded information-sharing powers between government bodies; and created a new, broad criminal offence of "advocating or promoting the commission of terrorism offences in general".[60]

31. ICLMG indicated that, concerning Security Certificates, the legislation provided that the minister could request the court to withhold information from the special advocates assisting detainees.[61]

32. JS10 noted that in 2017, the Government had proposed amendments to the legislation in Bill C-59, which, among other things, would eliminate the offence of advocating or promoting terrorism offences in general[62] and recommended adopting the bill.[63] AI indicated that the reforms introduced addressed some concerns, including the effective oversight of national security agencies, but that other problems persisted, such as expanded mass surveillance.[64]

2. Civil and political rights

Right to life, liberty and security of person[65]

33. Concerning a rejected recommendation,[66] JS6 recommended that Canada should ensure the full transposition of the provisions of the Convention against Torture into national law.[67]

34. JS6 noted that persons held in places of detention were among those most vulnerable to inhuman, cruel and degrading treatment, due to, among other things, overcrowding, unsanitary conditions, unsuitable facilities, lack of staff and inadequate health services.[68] The prison population is rising every year in Canada.[69] JS6 recommended that Canada should strengthen public policies to improve material living conditions in prisons and reduce overcrowding[70] and should establish follow-up and monitoring mechanisms for all places of detention in full compliance with the requirements set out in the Optional Protocol to the Convention against Torture.[71]

35. JS6 noted that security in places of detention is generally handled by the use of placement in isolation cells without sufficient control or supervision.[72] There are two forms of isolation: disciplinary isolation, whose maximum length is 30 days, and preventative isolation, an administrative measure applied in the event of a possible threat to the security

of the detention facility, its staff or inmates. JS6 observed that currently there are no limits on the length of preventative isolation.[73] JS6 recommended that Canada should establish regulations that are applicable in all its territories and in all places of detention in compliance with international standards limiting the length of all forms of isolation and prohibiting its use against vulnerable persons.[74]

36. CAEFS indicated that women continued to be disproportionately placed in segregation.[75] NWAC indicated that the overrepresentation of indigenous women in solitary confinement had wide-reaching implications as persons in confinement tended to be less able to reintegrate after release.[76]

Administration of justice, including impunity, and the rule of law[77]

37. JS15 recommended significantly increasing the federal government's contribution to legal aid programs in all provinces and territories, in particular for civil law and poverty law.[78] FAFIA highlighted the importance of improving access to justice for women, including Indigenous and racialized women and women with disabilities, by increasing funding specifically for civil legal aid and representation in family law and other civil matters.[79]

38. ACLC indicated that African Canadians continued to be racially profiled and over-represented across the criminal justice system, corrections and policing.[80]

39. CHALN noted that racialized communities were disproportionately prosecuted and incarcerated under laws that criminalized people who used drugs,[81] and recommended repealing all mandatory minimum prison sentences for non-violent offences.[82] JS15 recommended consistently collecting national data on ethno-racial discrimination in the criminal justice system.[83]

40. WLP stated that Canada must address the disproportionate numbers of Indigenous persons present in the criminal justice system and in prisons.[84] NACAFV indicated that though First Nations, Metis, and Inuit youth made up only 7% of Canada's overall population, according to a 2016 government report they comprised almost half of those entering the justice system. Indigenous youth who had interacted with the child welfare system made up the overwhelming majority of incarcerated youth.[85]

41. CAEFS noted that the number of women imprisoned in Canada was increasing at an alarming rate.[86] BSCC stated that the lack of a gender-based analysis within the criminal justice system failed to account for the context in which many women experienced violence.[87] CAEFS indicated that the overwhelming majority of women in prison had histories of abuse and suffered from post-traumatic stress.[88] CHAIR and NWAC highlighted that a very high percentage of women prisoners were indigenous.[89]

42. CAEFS reported that the government continued to employ male front line staff in women's prisons[90] and recommended putting an end to this practice.[91]

Fundamental freedoms and the right to participate in public and political life[92]

43. JS10 stated that defamation was still considered a criminal offence and was punishable by up to five years in prison, though criminal charges were rare and almost all libel cases were pursued in civil court.[93]

44. JS10 noted that civil defamation laws made it possible for powerful actors to launch strategic lawsuits against public participation (SLAPP suits), frivolous claims undertaken by wealthy and powerful parties to stifle criticism of their activities deterring free speech because of the high costs associated with litigation.[94]

45. JS10 stated that the Access to Information Act was in need of major reforms.[95] JS10 also indicated that Canada's federal whistleblower protection system was largely ineffective, failing to protect whistleblowers.[96]

46. Referring to incidents concerning police action in the context demonstrations, JS10 recommended that Canada train public officials who plan and provide policing services at demonstrations regarding how to respect international standards on freedom of expression.[97]

47. OSCE-ODHIR indicated that the process of amending electoral legislation should include a degree of cross-party agreement and consultations, which should include amongst others, representatives of women, aboriginal and minority groups.[98]

Prohibition of all forms of slavery[99]

48. JS4 highlighted challenges in identifying trafficked persons, including the difficulty of separating cases of human trafficking from other forms of abuse or exploitation.[100] JS4 indicated that the temporary resident permit, one of the main protection measures for potentially trafficked persons, was not well known by organizations and was underused.[101]

49. JS11 recommended that Canada renew or implement a new *Action Plan to Combat Human Trafficking*, including renewed and increased funding for victim services.[102]

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work[103]

50. JS7 reported that Canada's labour market had changed dramatically and that temporary jobs, which did not provide security or benefits, had increased more than four times the rate of permanent jobs since the 2008 recession.[104] JS7 recommended that Canada set national wage standards and encourage subnational governments to ensure minimum wages were regulated to ensure workers a "decent living".[105]

51. ACLC stated that persistent anti-Black racism in the workplace resulted in systemic, intergenerational poverty.[106] JS15 indicated that there were significant racialized wage and employment gaps and noted that racialized people and immigrants were more likely to engage in precarious employment.[107] JS15 recommended requiring that provincial and territorial governments introduce and enforce equivalent employment equity legislation.[108]

52. Egale indicated that Canada should amend the *Employment Equity Act* to include LGBTQI2S communities as designated groups protected from employment discrimination.[109]

53. FAFIA stated that the gender wage gap was not closing and that legislation governing working conditions for women was not showing results in closing this gap.[110] CRIAW-ICREF noted that Canada still did not have a national childcare framework and that such a framework would greatly improve the opportunities for women to participate in full-time employment.[111] FAFIA recommended implementing coordinated strategies to address the structural inequality of women in all jurisdictions.[112]

54. JS18 noted that persons with disabilities experienced significantly higher rates of unemployment indicating that Canada should work with different levels of government, unions, employers and civil society to create a harmonized approach to remove employment barriers in current laws, programmes and policies.[113] CAD-ASC indicated that the labour market and work environment was not inclusive and accessible to Deaf people.[114]

Right to social security[115]

55. JS7 stated that most social assistance recipients were worse off than recipients in previous decades because welfare incomes had not been adjusted for inflation.[116] Moreover, rules of welfare programs across the country penalized individuals who attempted to work themselves out of poverty.[117]

56. NACAFV indicated that in most communities in Canada, social services were funded through the provincial or territorial governments. However, in First Nations reserves, these services were normally funded through the federal government, which in many areas provided significantly less money per person for programmes and services when compared to what was provided by the provincial and territorial governments.[118] CHAIR recommended that Canada immediately provide adequate needs-based funding for all social programs on-reserve at least on par with provincial funding levels.[119]

Right to an adequate standard of living[120]

57. JS7 noted that marginalized groups disproportionately experienced poverty. It reported that 25% of Indigenous peoples were living in poverty and that 25% of people living in low-income households were persons with disabilities.[121] JS7 also noted that a high percentage of single mothers were low income compared with married couples. Women were also more likely to be precariously employed and engaged in part-time work. In two of Canada's largest cities, more than half of all persons living in poverty were from racialized groups.[122]

58. JS15 reported that the federal Government had initiated a National Poverty Reduction Strategy, but that it made little to no mention of communities of colour.[123] ACLC recommended including race and anti-Black racism as factors contributing to poverty in the Federal Poverty Reduction Strategy.[124]

59. JS7 indicated that Canada's current approach to food insecurity was based on short-term solutions including the establishment of food banks, which often inadequately met the need for nutritional, safe, and culturally appropriate food.[125] AHRC recommended that Canada subsidize the cost of nutritious foods for those at greatest risk of experiencing food insecurity.[126] JS7 recommended that the Government take immediate steps to implement the recommendations of the Special Rapporteur on the right to food.[127]

60. JS5 noted that, that Canada did not collect official statistics on the number of homeless people.[128] JS7 noted reports of high rates of homelessness and indicated that one-fifth of all households experienced extreme housing unaffordability.[129] JS5 reported that studies indicated that the people most affected by housing issues and living in poverty were women, members of First Nations, immigrants or refuges, youths, seniors and the disabled.[130] JS5 recommended that Canada continue to support the First Nations housing strategy.[131]

61. JS2 indicated that despite the acceptance of relevant recommendations,[132] inequality in accessing safe drinking water between the indigenous and non-indigenous communities persisted.[133] JS2 noted that since the Indian reserves were under federal jurisdiction, the provincial standards concerning drinking water and sanitation did not apply to them.[134] AHRC indicated that as of July 2017, 150 First Nations communities did not have access to safe drinking water and that Drinking Water Advisories, issued due to water contaminants, had been in place for over a year for 102 communities.[135] AHRC recommended that Canada halve the number of long-term water advisories by 2020.[136]

Right to health[137]

62. CHC-CCS indicated that though universal coverage of hospital and physician services was available to all residents, coverage of other medically necessary services was not guaranteed across the country resulting in lack of access to affordable medication, mental health care, dental care, and seniors care for many. One in 12 elders could not afford to take their prescription medication. Additionally, First Nations, Inuit, and Métis people faced high rates of mental health problems, addictions and suicide.[138] CHC-CCS recommended that Canada: develop a comprehensive national public drug plan, which ensured prescribed medications were available to everyone; and implement a national mental health strategy together with the subnational governments and the First Nations, Inuit, and Metis.[139]

63. JS8 noted that abortion services were not available in many parts of Canada and recommended collecting data to identify gaps in service provision.[140]

64. ADF International and MCCL were concerned about legislation passed in 2016, regarding medical assistance in dying.[141]

4. Rights of specific persons or groups

Women[142]

65. CFUW reported that violence against women continued to be a major tragedy and that statistics showed no significant reduction of the problem. Indigenous women, young

women, women with disabilities, women with mental health issues, and women belonging to the LGBTQI2S community experienced higher rates of violence. Being homeless or a student also increased vulnerability to violence.[143] Funding to address violence against women had increased since the last UPR but there was a lack of clear targets and timelines to measure the Government's progress.[144] AI recommended adopting a comprehensive, measureable, well-resourced, time-bound National Action Plan to address all forms of violence against women and girls.[145]

66. NACAFV indicated that not only were there not enough shelters for women and girls, but that under-funding of existing shelters had a negative impact on the quality and accessibility of the services they offered.[146] NACAFV recommended that the federal government act immediately to eliminate all discrimination in funding for emergency shelters and related services for First Nations, Métis and Inuit women and children.[147]

67. IACHR-OAS observed that Indigenous women and girls had been murdered or had gone missing at a rate much higher than the rate of representation of indigenous women in the population[148] and noted information received, that the police had failed to adequately prevent and protect indigenous women and girls from such acts.[149] IACHR-OAS indicated that Canada must provide a national coordinated response to address the social and economic factors that prevented indigenous women from enjoying their social, economic, cultural, civil and political rights, the violation of which constituted a root cause of their exposure to higher risks of violence.[150]

68. CRIAW-ICREF reported that in 2017, the newly elected Government had instituted the process leading the National Inquiry into Missing and Murdered Aboriginal Women and Girls, which was due to report in November 2018. It highlighted the existence of many shortcomings of this process, including the resignation of senior officials.[151] JS15 noted that the inquiry had been criticized for, among others, failure to include families, lack of transparency, and departure from timelines.[152] JS14 indicated that the terms of reference of the National Inquiry were inadequate, as there was no explicit reference to policing and the criminal justice system nor was there a mechanism for the independent review of cases where family members believed that investigations were inadequate.[153]

69. JS14 recommended that Canada: amend the terms of reference of the National Inquiry to investigate police violence against Indigenous women and girls; and implement the recommendations of CEDAW, other UN bodies, and the IACHR that went beyond the initiation of a national inquiry.[154] NACAFV recommended that the federal Government commit to working with First Nations, Inuit and Métis women, their representative organizations and their Nations to develop a comprehensive and coordinated violence prevention strategy.[155]

70. JS3 and JS8 provided information on the Protection of Communities and Exploited Persons Act, enacted in 2014.[156] JS3 noted that the law criminalized certain aspects of sex work, including purchasing of sexual services.[157] JS3 indicated that though the law had been presented as reducing sex workers' exposure to violence, in reality they experienced heightened surveillance and harassment from police.[158] JS3 recommended ensuring that any legislation proposed to address sex work be developed in coordination with sex workers.[159] JS11 recommended maintaining the victim-oriented approach in the law to address the exploitation of prostitution.[160]

Children[161]

71. GIEACPC indicated that Canada had not accepted a recommendation to explicitly criminalize corporal punishment during its previous UPR.[162] Since the review, Bill S-206 repealing section 43 of the Criminal Code, concerning the use of corrective force in certain settings, had been introduced and was currently pending.[163] GIEACPC recommended enacting Bill S-206, to clearly prohibit all corporal punishment of children, however light, and repealing section 43 of the Criminal Code as a matter of urgency.[164]

72. ACLC noted the disproportionate rates of African Canadian children being placed in care and the failure of the welfare system to assist struggling families instead of penalizing poverty.[165]

73. Concerning accepted recommendations,[166] Caring Society and CHAIR reported that First Nations children were dramatically over-represented amongst children removed from their families and placed in child welfare care.[167] Caring Society indicated that this over-representation was rooted in structural issues of poverty, poor housing and substance use resulting from the trauma of the residential school system and other colonial policies.[168]

74. JS15 recommended that all provincial governments systematically collect ethno-racially disaggregated data regarding child welfare apprehensions and placements.[169]

75. Five submissions reported on the 2016 ruling by the Canadian Human Rights Tribunal which found that provision of First Nations Child and Family Services Program to be discriminatory[170] and ordering Canada to cease applying a narrow definition of Jordan's Principle, which aims at ensuring that First Nations children can access public services on the same terms as other children.[171] Caring Society noted that the Government had not complied with the decision and faced with compliance orders by the Tribunal, opted to seek a judicial review before the Federal Court of Canada.[172] Caring Society and CHAIR recommended that Canada implement all orders of the Canadian Human Rights Tribunal, in consultation with First Nations peoples.[173] JS15 recommended that Canada honour the repeated rulings of the Tribunal and provide fair and equal funding for the Indigenous led child welfare system.[174] CHAIR recommended substantially increasing culturally based prevention services intended to keep children safely in their homes.[175]

Persons with disabilities[176]

76. JS18 stated that almost 50% of discrimination complaints filed in Canada involved disability. Deaf, deaf-blind and blind people experienced severe discrimination. Access to sign language interpretation and intervenor services was still very limited.[177] CAD-ASC reported on barriers faced by deaf people, including difficulties in accessing education, transportation and telecommunication services, as well as access to justice.[178]

77. JS18 indicated that Canada had no formal mechanisms to ensure that CRPD accessibility rights were implemented in all jurisdictions. Federally, however, Canada was currently conducting consultations in preparation for a National Accessibility Act. It was imperative these consultations result in an enforceable national act consistent with the CRPD.[179] CAD-ASC and JS18 recommended enacting legislation implementing CRPD into domestic law, including the legal recognition of Canada's two official sign languages.[180] JS18 recommended that Canada provide comprehensive resources/support for full and effective classroom supports to ensure inclusive education for all.[181]

Minorities and indigenous peoples[182]

78. AI noted that for more than 100 years, approximately 150,000 Indigenous children were separated from their families, communities and cultures and forced to attend poorly-funded and inadequately supervised residential schools, where many were subjected to abuse and forbidden from speaking their languages.[183] JS17 indicated that a significant development since Canada's last UPR was the 2015 release of the Final Report of Canada's Truth and Reconciliation Commission, which examined the history and legacy of the Indian residential school system.[184] It noted that current levels of socio-economic development for Indigenous peoples in Canada were well below those for the rest of the population, which the report of the Truth Commission indicated were a legacy of the residential school system and colonialism.[185]

79. JS17 noted that many injustices against Indigenous peoples had been perpetrated through the *Indian Act*, which dated from 1876 and was still in existence, having been amended many times.[186] Concerning an accepted recommendation,[187] JS14 indicated that Canada had not yet removed all the sex discrimination from the *Indian Act*.[188] JS14 reported that under successive versions of the *Indian Act*, for the most part, Indian women had no independent status or ability to transmit status to their descendants.[189] JS14 stated that *Bill S-3, An Act to amend the Indian Act (elimination of sex-based inequities in registration)*, introduced by the Government in 2016, would still not remove all sex discrimination from the Indian Act.[190] JS14 recommended that Canada implement treaty bodies'

recommendations to eliminate sex discrimination from the status provisions of the Indian Act.[191] NWAC made similar observations and recommendations.[192]

80. JS1 noted concerns over the violation of the rights of indigenous peoples in consequence of economic development projects such as mining and building dams.[193] AI indicated serious concerns existed regarding government failure to respect land rights of Indigenous peoples and uphold treaty obligations, particularly the refusal to uphold their right to free, prior and informed consent.[194] AI noted that the federal and provincial governments had approved the Site C dam, despite First Nations objections and concerns that proceeding violated treaty-protected rights.[195]

Migrants, refugees and asylum seekers[196]

81. JS15 indicated that the number of temporary migrant workers had more than quadrupled since 2000. Migrant workers in low-wage streams of temporary migration were exceptionally susceptible to exploitation and abuse.[197] JS15 recommended that Canada extend the protections of federal, provincial and territorial labour legislation to all domestic and migrant agricultural workers and increase support for collective organizing and bargaining of all workers.[198]

82. JS4 observed that a factor raising the risk of human trafficking through forced labour was the fact that the work permit was tied to a specific employer. It noted that live-in caregivers who were considered to be victims of abuse were authorized to change jobs and granted priority processing for a new work permit. Seasonal farm workers could apply for another work permit, but could not work until they had received it.[199] JS4 recommended that Canada abolish work permits tied to a specific employer and grant open work permits.[200] JS5 recommended the implementation of the necessary changes to the Temporary Foreign Worker Program to ensure respect for human rights.[201]

83. JS12 welcomed positive developments in Canada's immigration detention regime including decreases in the numbers of instances of detention since 2013.[202] Nonetheless, immigration detainees continued to suffer significant human rights violations. In particular, non-citizens with psychosocial disabilities or mental health conditions were routinely held in maximum-security provincial jails, and children continued to be detained, or separated from their detained parents.[203] JS15 indicated that Canada did not impose a maximum time limit on immigration detention and that the best interests of children detained with their parents were not sufficiently accounted for.[204] JS9 noted that persons in detention had little support, resources and opportunity to access legal representation.[205]

84. AI recommended that Canada enact legal reforms to ensure immigration detention was a measure of last resort, setting a maximum period for immigration detention and prohibiting the holding of children in immigration detention.[206]

85. AI was gravely concerned that the "Safe Third Country Agreement" between Canada and a third country exposed refugee claimants to human rights violations. Under the agreement, refugee claimants who presented at the border post were deemed ineligible to make claims in Canada. However, the agreement did not apply if individuals crossed irregularly into Canada.[207]

Stateless persons[208]

86. JS9 indicated that Canada's Citizenship Act stipulated that the Minister of Immigration may, at his or her discretion, grant citizenship to any person to alleviate cases of statelessness or of special and unusual hardship. However, the lack of a statelessness determination procedure and a legal definition of statelessness in national legislation left the Minister with wide discretionary powers to determine who was considered stateless.[209] JS9 recommended that Canada: implement a definition of "stateless person" in relevant legislation and a Statelessness Determination Procedure in accordance with the 1954 Convention relating to the Status of Stateless Persons.[210]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society

Individual submissions:

ACLC	African Canadian Legal Clinic, Toronto (Canada);
ADF International	ADF International, 1209, Geneva (Switzerland);
AHRC	Atlantic Human Rights Centre, Fredericton (Canada);
AI	Amnesty International, London (United Kingdom);
BSCC	Barbra Schlifer Commemorative Clinic, Toronto (Canada);
CAD-ASC	Canadian Association of the Deaf-Association des Sourds, Ottawa (Canada);
CAEFS	Canadian Association of Elizabeth Fry Societies, Ottawa (Canada);
Caring Society	First Nations Child and Family Caring Society of Canada, Ottawa (Canada);
CTC	Canada Tibet Committee, Montreal (Canada);
CFUW	Canadian Federation of University Women, Ottawa (Canada);
CHAIR	Chair in Indigenous Governance, Toronto (Canada);
CHALN	Canadian HIV/AIDS Legal Network, Toronto (Canada);
CHC-CCS	Canadian Health Coalition, Ottawa (Canada);
CRIAW-ICREF	The Canadian Research Institute for the Advancement of Women/L'Institut canadien de recherches sur les femmes, Ottawa (Canada);
Egale	Egale Canada Human Rights Trust, Toronto (Canada);
FAFIA	Canadian Feminist Alliance for International Action, Ottawa (Canada);
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom);
ICLMG	International Civil Liberties Monitoring Group, Ottawa (Canada);
MCCL	Minnesota Citizens Concerned for Life Inc. Education Fund, Minneapolis, Minnesota (United States of America);
NACAFV	National Aboriginal Circle Against Family Violence, Kahnawake (Canada);
NWAC	Native Women's Association of Canada, Ottawa (Canada);
United Church of Canada	The United Church of Canada, Toronto (Canada);
WLP	Group of Windsor Law Professors, Windsor (Canada)

Joint submissions:

JS1	**Joint submission 1 submitted by**: Organization for Defending Victims of Violence and Pouya Institute for Communications and Social Development, Tehran (Iran (Islamic Republic of));
JS2	**Joint submission 2 submitted by**: Franciscans International and Service intercommunautaire d'animation franciscaine Geneva (Switzerland);
JS3	**Joint submission 3 submitted by**: Canadian Alliance for Sex Work Law Reform and Sexual Rights Initiative, Ottawa (Canada);
JS4	**Joint submission 4 submitted by**: Comité d'action contre la traite humaine interne et internationale and Franciscans International, Montréal (Canada);
JS5	**Joint submission 5 submitted by**: Congregation of the Sisters of Saint Anne and UNANIMA International, Lachine (Canada);
JS6	**Joint submission 6 submitted by**: Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture and ACAT Canada, Paris (France);
JS7	**Joint submission 7 submitted by**: Canada Without Poverty, Alternatives North, BC Poverty Reduction Coalition, the Canadian Poverty Institute, Downtown Mission of Windsor,

	Fredericton's Community Action Group on Homelessness, Grassroots Organizations Operating Together in Sisterhood (GROOTS Canada), Hamilton Roundtable for Poverty Reduction, Niagara Poverty Reduction Network, Regina Anti-Poverty Ministry, the Temiskaming Native Women's Group, and Yukon Anti-Poverty Coalition, Ottawa (Canada);
JS8	**Joint submission 8 submitted by**: Action Canada for Sexual Health and Rights, and Sexual Rights Initiative, Ottawa (Canada);
JS9	**Joint submission 9 submitted by**: Institute on Statelessness and Inclusion and the Canadian Centre on Statelessness, Eindhoven (Netherlands);
JS10	**Joint submission 10 submitted by**: PEN Canada, Centre for Free Expression, Canadian Journalists for Free Expression, Reporters without Borders, Toronto (Canada);
JS11	**Joint submission 11 submitted by**: World Evangelical Alliance and Evangelical Fellowship of Canada, Geneva (Switzerland);
JS12	**Joint submission 12 submitted by**: International Human Rights Program, University of Toronto's Faculty of Law, Amnesty International, Justice for Children and Youth, Canadian Association of Refugee Lawyers, Canadian Civil Liberties Association, British Columbia Civil Liberties Association Refugee Law Office of Legal Aid Ontario Toronto (Canada);
JS13	**Joint submission 13 submitted by**: Women's International League for Peace and Freedom and Plataforma Internacional Contra la Impunidad (Pi), Geneva (Switzerland);
JS14	**Joint submission 14 submitted by**: Ontario Native Women's Association and Canadian Feminist Alliance for International Action, Fort William First Nation, Fort William First Nation (Canada);
JS15	**Joint submission 15 submitted by**: Colour of Poverty – Colour of Change, Chinese & Southeast Asian Legal Clinic, Council of Agencies Serving South Asians, Ontario Council of Agencies Serving Immigrants, and South Asian Legal Clinic of Ontario, Toronto (Canada);
JS16	**Joint submission 16 submitted by**: Social Rights Advocacy Centre and Charter Committee on Poverty Issues, Huntsville (Canada);
JS17	**Joint submission 17 submitted by**: Lawyers Without Border Canada and Lawyers' Rights Watch Canada, Ville de Québec (Canada);
JS18	**Joint submission 18 submitted by**: ARCH Disability Law Centre, Alzheimer's Society of Canada, Canada Without Poverty, Canadian Association for Community Living, Canadian Association of the Deaf, Canadian Council on Rehabilitation and Work, Canadian Centre on Disability Studies, Canadian National Institute for the Blind, Canadian Labour Congress, Council of Canadians with Disabilities, Disability Rights Promotion International (York University), DisAbled Women's Network, Independent Living Canada, MAD Canada, National Network on Mental Health, Ontario Network of Injured Workers, Participation & Knowledge Translation in Childhood Disability Lab (McGill University), People First Canada, Winnipeg, (Canada).
National human rights institution:	
CHRC	Canadian Human Rights Commission, Ottawa (Canada).
Regional intergovernmental organization(s):	
IACHR-OAS	Inter-American Commission on Human Rights-Organization of American States, Washington, D.C. (United States of America);

	Attachments.
	Inter-American Commission on Human Rights. Missing and Murdered Indigenous Women in British Columbia, Canada. OEA/Ser.L/V/II. Doc. 30/14 21 December 2014.
OSCE-ODIHR	Office for Democratic Institutions and Human Rights/Organization for Security and Co-operation in Europe, Warsaw (Poland).

[2] CHRC, p. 2.
[3] CHRC, p. 2.
[4] CHRC, p. 2.
[5] CHRC, p. 3.
[6] CHRC, p. 3.
[7] CHRC, p. 3.
[8] CHRC, p.4–6.
[9] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination.
ICESCR	International Covenant on Economic, Social and Cultural Rights.
OP-ICESCR	Optional Protocol to ICESCR.
ICCPR	International Covenant on Civil and Political Rights.
ICCPR-OP 1	Optional Protocol to ICCPR.
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty.
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women.
OP-CEDAW	Optional Protocol to CEDAW.
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
OP-CAT	Optional Protocol to CAT.
CRC	Convention on the Rights of the Child.
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict.
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography.
OP-CRC-IC	Optional Protocol to CRC on a communications procedure.
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
CRPD	Convention on the Rights of Persons with Disabilities.
OP-CRPD	Optional Protocol to CRPD.
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[10] For relevant recommendations see A/HRC/24/11, paras. 128.1–128.15, 128.27–128.36, 128.47, 128.53, 128.60, 128.77, 128.101–128.112, 128.115.
[11] JS4, para. 50, JS5, para. 38 and JS15, p. 7.
[12] JS13, para. 12.
[13] JS15, p. 7.
[14] JS9, para. 39 (ii).
[15] AI, p. 10, JS1 para. 2, JS6, p. 3.
[16] FAFIA, p. 8, JS7, para. 53 and JS13, para. 30 (c).
[17] AI, p. 10, FAFIA, p. 8 and JS7, para. 53.
[18] AI, p. 10, JS8, p. 16.
[19] FAFIA, p. 9 and JS17, p. 9.
[20] JS1, para. 10.
[21] United Church of Canada, p. 3.
[22] For relevant recommendations see A/HRC/24/11, paras. 128.27–128.30, 128.60–128.61, 128.66–128.67, 128.119–128.120.
[23] JS16, p. 6.
[24] WLP, para. 11.
[25] CAD-ASC, pp. 6–7 and JS18, p. 6.
[26] JS13, para. 4. See also JS1, para. 9.
[27] Egale, para. 15.
[28] Chair, p. 11. See also JS17, p. 9.

[29] AI p. 1.
[30] AI p. 10.
[31] For relevant recommendations see A/HRC/24/11, paras 128.17–128.20, 128.23–128.26, 128.37–128.52.
[32] ACLC, para. 9.
[33] JS15, p. 4.
[34] Egale, paras. 28–29.
[35] United Church of Canada, p. 3.
[36] WLP, para. 7.
[37] ACLC, para. 15.
[38] JS15, p. 12.
[39] JS11, para. 21.
[40] ACLC, para. 16.
[41] JS16, p. 11.
[42] For relevant recommendations see A/HRC/24/11, paras 128.151, 128.152.
[43] AHRC, para. 2.
[44] JS2, para. 7 and 26–33.
[45] JS2, para. 34.
[46] AI, p. 2.
[47] JS17, p. 2.
[48] JS17, p. 2.
[49] JS17, p. 4.
[50] JS13, para. 27.
[51] For relevant recommendations see A/HRC/24/11, para. 128.151.
[52] JS13 para. 4. See also JS5, para. 30.
[53] JS13, para. 24.
[54] CTC, para. 14.
[55] JS17, p. 3.
[56] JS13, para. 23 (a).
[57] JS13, para. 30 (a).
[58] For relevant recommendations see A/HRC/24/11, paras. 128.153–128.157, 128.162.
[59] JS15, p. 17.
[60] JS15, pp. 17–18. See also ICLMG, paras. 20–24 and JS10, para. 37.
[61] ICLMG, para. 22. See also WLP, para. 13.
[62] JS10, para. 40.
[63] JS10, p. 9.
[64] AI, p. 9.
[65] For relevant recommendations see A/HRC/24/11, paras. 128.22, 128.101, 128.121, 128.148, 128.155, 128.156, 128.158–128.162.
[66] For relevant recommendation, see A/HRC/24/11, para. 128.22.
[67] JS6, p. 3.
[68] JS6, para. 7.
[69] JS6, para. 9.
[70] JS6, p. 5.
[71] JS6, p. 3.
[72] JS6, para. 7.
[73] JS6, para. 14. See also JS1, para. 14.
[74] JS6, p. 9.
[75] CAEFS, p. 8.
[76] NWAC, para. 29.
[77] For relevant recommendations see A/HRC/24/11, paras. 128.45, 128.54,128.98, 128.102, 128.103,128.122,128.158–128.160.
[78] JS15, p. 11.
[79] FAFIA, p. 6.
[80] ACLC, para. 10.
[81] CHALN, para. 5.
[82] CHALN, para. 9.
[83] JS15, p. 15.
[84] WLP, para. 3.
[85] NACAFV, p. 8.
[86] CAEFS, p. 4.
[87] BSCC, p. 2.
[88] CAEFS, p. 4.

[89] Chair, p. 6 and NWAC, para. 26.
[90] CAEFS, p. 7.
[91] CAEFS, p. 12.
[92] For relevant recommendations see A/HRC/24/11, paras. 128.18, 128.51, 128.162.
[93] JS10, para. 8.
[94] JS10, paras. 11 and 13.
[95] JS10, para. 22.
[96] JS10, para. 29.
[97] JS10, pp. 4–5.
[98] OSCE-ODHIR, p. 2.
[99] For relevant recommendations see A/HRC/24/11, paras. 128.107–128.111.
[100] JS4, para. 10.
[101] JS4 paras. 24 and 27.
[102] JS11, para. 16.
[103] For relevant recommendations see A/HRC/24/11, paras. 128.25, 128.55, 128.71–128.72.
[104] JS7, para. 17.
[105] JS7, para. 52 (d).
[106] ACLC, para. 17.
[107] JS15, p. 5.
[108] JS15, p. 6.
[109] Egale, para. 32.
[110] FAFIA, p. 9.
[111] CRIAW-ICREF, p. 4. See also JS7, p. 5.
[112] FAFIA, p. 11.
[113] JS18, p. 4.
[114] CAD-ASC, p. 5.
[115] For relevant recommendations see A/HRC/24/11, paras. 128.60, 128.64, 128.128–128.129.
[116] JS7, para. 14.
[117] JS7, para. 16.
[118] NACAFV, p. 2.
[119] Chair, p. 11.
[120] For relevant recommendations see A/HRC/24/11, paras. 128.57, 128.62, 128.67–128.70, 128.123–128.127, 128.130–128.133.
[121] JS7, p. 2 and paras. 1–2.
[122] JS7, paras. 3–5.
[123] JS15, p. 4.
[124] ACLC, para. 30.
[125] JS7, p. 4 and para. 12.
[126] AHRC, para. 21.
[127] JS7, para. 52 (b).
[128] JS5, para. 4.
[129] JS7, paras. 7 and 9.
[130] JS5, para. 6.
[131] JS5, para. 10. See also NACAFV, p. 8.
[132] A/HRC/24/11 , paras. 128.123, 128.132, 128.133.
[133] JS2, para. 21.
[134] JS2, para. 19.
[135] AHRC, para. 7. See also JS2, para. 24.
[136] AHRC, para. 14.
[137] For relevant recommendations see A/HRC/24/11, paras. 128.73–128.76, 128.127.
[138] CHC-CCS, pp. 1–2. See also JS7, para. 20.
[139] CHC-CCS, p. 5–6.
[140] JS8, para. 20 and p. 15.
[141] ADF International, paras. 3–20; MCCL, paras. 1–6.
[142] For relevant recommendations see A/HRC/24/11, paras.128.57–128.59, 128.71, 128.79–128.107.
[143] CFUW, p. 2.
[144] CFUW, pp. 2–3.
[145] AI, p. 11.
[146] NACAFV, p. 3.
[147] NACAFV, p. 5. See also AI, p. 11.
[148] Inter-American Commission on Human Rights, Missing and Murdered Indigenous Women in British Columbia, Canada OEA/Ser.L/V/II. Doc. 30/14 21 December 2014, p. 11. See also Chair, p. 4–5.

[149] Inter-American Commission on Human Rights, Missing and Murdered Indigenous Women in British Columbia, Canada OEA/Ser L/V/II, Doc. 30/14 21 December 2014, para. 6.
[150] Inter-American Commission on Human Rights, Missing and Murdered Indigenous Women in British Columbia, Canada OEA/Ser L/V/II, Doc. 30/14 21 December 2014, para. 302.
[151] CRIAW-ICREF, pp. 1–2.
[152] JS15, p. 10.
[153] JS14, p. 10. See also JS1, para. 19.
[154] JS14, p. 19.
[155] NACAFV, p. 7. See also JS14, p. 8.
[156] JS3, paras. 2–7 and JS8 paras. 3 and 6–18.
[157] JS3, para. 4.
[158] JS3, para. 3. See also CHALN, paras 10–11 and JS8 para. 14–16.
[159] JS3 para. 27.
[160] JS11, para. 11.
[161] For relevant recommendations see A/HRC/24/11, paras 128.60, 128.92, 128.97, 128.109–128.120, 128.128–128.129.
[162] GIEACPC, para. 1.1.
[163] GIEACPC, para. 1.2.
[164] GIEACPC, paras. 2.1 and 1.3.
[165] ACLC, paras. 23–24. See also JS15, p. 12.
[166] For relevant recommendations see A/HRC/24/11, paras. 128.64 and 128.129.
[167] Caring Society, p. 3 and Chair, p. 3.
[168] Caring Society, p. 3.
[169] JS15, p. 13.
[170] Caring Society, p. 4; Chair, p. 6; NWAC, paras. 20–23, JS16, para. 16 and JS17, p. 8.
[171] Caring Society, p. 4; NWAC, para. 20.
[172] Caring Society, p. 5. See also JS16, para. 16 and JS17, p. 8.
[173] Caring Society, p 8 and Chair, p. 6. See also JS15, p. 13 and NWAC, para. 24.
[174] JS15, p. 13.
[175] Chair, p. 7.
[176] For relevant recommendations see A/HRC/24/11, paras 128.141–128.145.
[177] JS18, p. 2.
[178] CAD-ASC, pp. 1–4.
[179] JS18, p. 5.
[180] CAD-ASC, p. 1; JS18, p. 3.
[181] JS18, p. 4.
[182] For relevant recommendations see A/HRC/24/11, paras 128.45–128.47,128.49, 128.53–124.54, 128.57, 128.59–128.80, 128.83–128.106, 128.123, 128.127, 128.129,128.132, 128.134–128–139.
[183] AI, p. 5.
[184] JS17, p. 2.
[185] JS17, p. 8.
[186] JS17, p. 7.
[187] For relevant recommendations see A/HRC/24/11, para. 128.59.
[188] JS14, p. 2.
[189] JS14, p. 2.
[190] JS14, pp. 4–5.
[191] JS14, p. 7.
[192] NWAC, paras. 13–17.
[193] JS1, para. 16.
[194] AI, p. 4.
[195] AI, p. 4.
[196] For relevant recommendations see A/HRC/24/11, paras. 128.26, 128.49, 129.146–128.150,128.162.
[197] JS15, p. 7.
[198] JS15, p. 7.
[199] JS4, para. 47. See also BSCC, p. 3.
[200] JS4, para. 48.
[201] JS5, para. 37.
[202] JS12, para. 4.
[203] JS12, para. 5.
[204] JS15, p. 8.
[205] JS9, para. 38.
[206] AI, p. 11. See also JS15, p. 8–9, WLP, p. 6.
[207] AI, p. 7.

[208] For relevant recommendations see A/HRC/24/11, paras. 128.10.
[209] JS9, para. 13.
[210] JS9, para. 39 (III and IV).